

behalf of the plurality of consumers by a single consolidated payment via a network; and

processing the received plurality of instructions to generate a directive to debit each of a plurality of deposit accounts associated with each of the plurality of consumers via the network.

61. The method of claim 60, wherein the network is an ACH network.--

IN THE ABSTRACT

Please delete the abstract in its entirety and substitute therefore the abstract attached hereto on a separate sheet.

REMARKS

Claims 1-33 are pending in this application. Claims 8-20, 22-24, and 26-33 are cancelled without prejudice or disclaimer, claims 1-7, 21 and 25 are amended, and claims 34-61 are added herein.

The title is amended to better reflect the invention to which this application is directed.

A rewritten abstract has been submitted which better reflects the invention to which this application relates.

No new matter has been added in this amendment.

Claims 1-7, 21 and 25 stand rejected under 35 USC § 102(e) as being anticipated by Lawlor et al. (U.S. Patent No. 5,220,501).

Claims 2-7 are amended solely for clarification and not to overcome the prior art rejections which will be addressed in detail below.

Claims 1, 21 and 25 are amended to more clearly distinguish over the prior art. To the extent not addressed by the amendments to claims 1, 21 and 25, the prior art rejection is respectfully traversed.

As understood, the Examiner bases the rejection of independent claim 1, and dependent claims 2-7, on the abstract, figures 12 and 14a-14d, column 31, lines 50-58, column 33, line 3 through column 34, line 4, column 42, line 60 to column 43, line 68, and column 49, lines 7-40, though no explicit association of the claims with the above identified citations in the Lawlor patent is provided.

It is respectfully submitted that the applied art lacks any teaching or suggestion of, for example, processing the received plurality of instructions at other than a node on an ATM/POS network, as recited in amended independent claims 1, 21 and 25.

More particularly, Lawlor's system is specifically designed to use existing ATM/POS networks to effectuate bill payment, see column 6, lines 65-68. Consumer directed financial transactions are executed by a central computer in direct communication with the consumer's bank via an ATM/POS network, see column 11, lines 25-31. The central computer accesses and debits the consumer's account for the amount of a bill-pay request via the ATM/POS network. This accessing and debiting is done in real-time, see column 22, lines 32-37 and column 49, lines 18-46, and is the same accessing and debiting directed by any common ATM/POS network. As Lawlor discloses, from a consumer's bank's perspective, the central computer looks and behaves like any node on an ATM/POS network, see column 18, lines 35-38, column 33, lines 23-55, and column 42, lines 18-23. Lawlor has specifically designed a system which effectuates

customer directed bill payment via existing ATM/POS networks.

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Lawlor debits funds from a consumer's account, then makes a payment to a merchant. The funds debited from the consumer's account by the central computer are credited to a deposit account belonging to the service provider controlling the central computer. This service provider then pays the specified merchant by one of a check or electronic funds transfer from funds belonging to the service provider, column 49, lines 24-25. Payment to the merchant is subsequent to receiving funds from the consumer.

Lawlor suggests that payments to a single merchant on behalf of many consumers may be made by a single payment. However, no detail is disclosed on how to accomplish this aggregated payment, column 33, lines 63-64.

On the other hand, the present application is directed to a technique for paying bills on behalf of consumers by receiving payment requests from multiple consumers to pay bills issued by the same merchant to each of the consumers. These payment requests are processed and a single payment is made to the merchant.

The technique of amended claims 1, 21 and 25 does not require that the service provider process the bill-pay request on a processor which is a node on an ATM/POS network, unlike Lawlor. This, in fact, is but one of the novel features disclosed in the present application. Additionally, the technique of the present application does not require that the service provider obtain funds from the consumer before payment is made, also unlike Lawlor.

Accordingly, it is respectfully requested that the rejection of amended claim 1 and its dependencies (i.e., pending claims 2-7) be reconsidered and withdrawn.

Independent claim 21 is directed to an article of manufacture in the form of software. The software causes a computer to perform the functions recited in the method of claim 1. As such, the discussion of claim 1 also applies to claim 21. Additionally, Lawlor does not disclose a single article of manufacture for causing a computer to operate in such a way as the Examiner suggests. As such, it is respectfully requested that the rejection of amended claim 21 be reconsidered and withdrawn.

Independent claim 25 is directed to a system for paying bills which contains essentially the same elements as found in claim 1. As such, the discussion of claim 1 applies to claim 25. It is respectfully requested that the rejection of amended claim 25 be reconsidered and withdrawn.

Other features recited in the dependent claims are believed to further independently distinguish over the applied art. For example, claim 3 recites identifying a plurality of deposit accounts belonging to consumer's who have requested bill payment and then directing a transfer of funds from their respective accounts into an account belonging to the service provider. Unlike Lawlor, there is no requirement that payment to the merchant be subsequent to this transfer. Claim 7 recites that this transfer can be an electronic funds transfer. Claim 6 recites that this transfer includes directing preparation of a draft drawn on the consumer's account. Lawlor, as discussed above, uses an ATM/POS network to access funds in the consumer's account. Lawlor does not teach or suggest use of

electronic funds transfer or a draft to obtain funds from a consumer.

To effectuate payment to the merchant in a single financial transaction, the service provider may, for example, make payment to the merchant from funds belonging to the service provider as recited in claim 2. This payment may be, for example, via electronic funds transfer, or, for example, by a service provider check, as recited in claims 4 and 5.

New Claims 34-61 are added to recite the invention somewhat differently. It is respectfully submitted that the applied art lacks any teaching or suggestion of various features recited in these new claims, as should be understood from the discussion above.

Claims 1-7, 21 and 25 stand rejected under the judicially created doctrine of double patenting over U.S. Patents 5,383,113 and 5,873,072. Applicants have included a Terminal Disclaimer to overcome this rejection.

Claims 1-7, 21 and 25 stand provisionally rejected under the judicially created doctrine of double patenting over copending Application No. 09/250,663 and copending Application No. 09/250,675. Applicants have amended this Application and Application No. 09/250,663 and Application No. 09/250,675 to maintain a clear line of demarcation between the pending applications, as the Examiner has suggested. Accordingly, it is respectfully requested that the Examiner reconsider this provisional rejection.

The art made of record by the Examiner, yet not relied upon, has been considered and found not to read upon the claims of the present application.

It is respectfully submitted that the prior art does not disclose, teach or suggest a method or system for

paying bills by which payment is made on behalf of a plurality of consumers to a single merchant by a single consolidated payment processed by a system which is not a node on an ATM/POS network. The prior art also does not disclose the use of a general purpose network device to generate payment instructions.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed local telephone number, in order to expedite resolution of any remaining issues and further to expedite passage of the application to issue, if any further comments, questions or suggestions arise in connection with the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 12-0427 and please credit any excess fees to such deposit account.

Respectfully submitted,
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